

Message Text

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C O N F I D E N T I A L DACCA 4499

E.O. 11652: GDS
TAGS: PINT SHUM BG
SUBJECT: AMNESTY INTERNATIONAL LETTER TO CONGRESSMAN ZABLOCKI

REFS: A. STATE 182961; B. DACCA 1858; C. DACCA 1174;
D. DACCA 0925

1. DIFFERENCES BETWEEN EMBASSY REPORTING ON NUMBER OF POLITICAL PRISONERS (DACCA REFTELS) AND FIGURE ASSERTED BY AMNESTY INTERNATIONAL ARE PRIMARILY EXPLAINED BY A MAJOR VARIANCE IN CALCULATION AT WHAT CONSTITUTES A POLITICAL PRISONER BY AMNESTY'S SOURCES, WHICH, WE UNDERSTAND, ARE PRINCIPALLY LONDON-BASED OPPONENTS OF ZIA.

2. THE EMBASSY HAS BEEN CAREFUL TO NOTE THAT FIGURES PROVIDED BY THE THEN DEPUTY ADVISOR (NOW MINISTER) FORHOME AFFAIRS (REFTEL C) AND THE DIRECTOR GENERAL, NATIONAL SECURITY INTELLIGENCE (REFTEL D), INCLUDED ONLY REPEAT ONLY THOSE WHO WERE DETAINED WITHOUT TRIAL AND WERE STILL IN CUSTODY AT THE TIME THE TWO MEN REPORTED THE FIGURES. REFTEL B REPORTED AN ADDITIONAL RELEASE OF 336 POLITICAL DETAINEES AND LED THE EMBASSY TO SUGGEST THAT THE NUMBER SO HELD WAS LESS THAN 1000 AT THAT TIME. THEJE HAS BEEN NO GENERAL RELEASE SINCE BUT THERE CONTINUES TO BE A TRICKLE OF RELEASES THROUGH COURT PROCEDURES (ALSO MENTIONED REFTEL B).

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3. AMNESTY IS CORRECT IN STATING THAT THE BDG DOES NOT INCLUDE PERSONS WHO HAVE BEEN TRIED (BY WHATEVER COURT SYSTEM) AND CONVICTED AMONG POLITICAL PRISONERS. WE DO THINK, HOWEVER, THAT THE NUMBER OF 1000 OR LESS DOES INCLUDE THOSE FOR WHOM NO TRIAL HAS BEEN HELD, CONTRARY TO THE PARENTHETICAL PHASE IN AMNESTY'S LETTER.

4. THOSE WHO HAVE BEEN TRIED, BY BDG DEFINITION, ARE NOT POLITICAL PRISONERS. THEY HAVE BEEN TRIED FOR ALLEGED CRIMES UNDER THE LAWS WHICH PREVAIL AND, IF CONVICTED, ARE ENTERED IN THE JAIL RECORDS UNDER THE LAW WHICH THEY HAVE VIOLATED. IT WOULD TAKE A STUDY OF THE TRIAL AND JAIL RECORDS OF EACH PRISONER FOLLOWED BY A JUDGMENT TO DETERMINE WHETHER A PRISONER IS POLITICAL OR NOT, A JUDGMENT WHICH WOULD DEPEND ON THE PERSONAL VIEWS OF THE PERSON MAKING IT.

5. SOME, WHO HAVE BEEN CONVICTED OF CRIMES, COULD MAINTAIN POLITICAL MOTIVATION IN BEING BROUGHT TO TRIAL. MUSHTAQUE AHMAD, FORMER PRESIDENT AND THE MOST PROMINENT PRISONER, COULD, WITH SOME JUSTICE ASSERT THAT HIS TRIAL WAS POLITICAL, IN THAT HE ALMOST ALONE AMONG THE SENIOR AWAMI LEAGUERS (AS HE WAS BEFORE AUGUST, 1975) HAS BEEN HAILED INTO COURT TO FACE TRIAL. HIS SUPPORTERS COMPLAIN PRIMARILY THAT HE WAS TRIED AND ONLY SECONDARILY (AND LESS CONVINCINGLY) SUGGEST THAT HE WAS NOT GUILTY. HOWEVER, HE WAS PERCEIVED BY ZIA AS A POLITICAL THREAT AND THE CHARGES WERE PLACED AGAINST HIM.

6. WE DO NOT AGREE WITH AMNESTY'S IMPLICATION THAT PRISONERS TRIED AND HELD UNDER EMERGENCY LEGISLATION OR CONFIDENTIAL

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MARTIAL LAW ARE, IPSO FACTO, POLITICAL PRISONERS. FOR EXAMPLE, MUCH OF SUCH LAW PERTAINS TO OR STRENGTHENS LAW ON ECONOMIC MATTERS SUCH AS HOARDING AND SMUGGLING. IT WOULD BE HARD TO ACCOUNT FOR PERSONS CONVICTED UNDER THESE LAWS AS POLITICAL PRISONERS.
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